

ATTORNEY DOCKET NO. T4890.B.COM

## DECLARATION, POWER OF ATTORNEY AND PETITION

I, John T. FORBIS, declare: that I am a citizen of the United States of America; that my residence and post office address is 2719 North Division Avenue, York, Nebraska 68467; that I verily believe I am the original, first, and sole inventor of the subject matter of the invention or discovery entitled FENCE RAIL CAP BRACKET ASSEMBLY, for which a patent is sought and which is described and claimed in the specification filed on October 21, 2002, and granted Serial No. 10/277,721 (I hereby authorize the attorneys of Clayton, Howarth & Cannon, P.C., to insert said serial number when known); that I have reviewed and understand the contents of the above-identified specification, including the claims; and that I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations.

This application is a continuation of co-pending U.S. Patent Application No. 10/138,722, filed May 3, 2002, which claims the benefit under Section 119(e) of Title 35 of the United States code of U.S. Provisional Application No. 60/288,359, filed May 3, 2001; and, insofar as the subject matter of each of the claims of these applications is not disclosed in the earlier filed pending application in the manner provided by the first paragraph of Section 112 of Title 35 of the United States Code, I acknowledge

the duty to disclose material information, as defined in Section 1.56 of Title 37 of the Code of Federal Regulations, which occurred between the filing dates of the earlier filed applications and the filing date of this application.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint as my attorneys and/or patent agents, Grant R. Clayton, Registration No. 32,462; Alan J. Howarth, Registration No. 36,553; Karl R. Cannon, Registration No. 36,468; Clifford B. Vaterlaus, Registration No. 47,261; and Terrence J. Edwards, Registration No. 50,254; all with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all future correspondence in connection with this application to:

Customer No. 20449

Please direct all telephonic and facsimile communications to:

Karl R. Cannon  
Telephone: (801) 255-5335  
Facsimile: (801) 255-5338

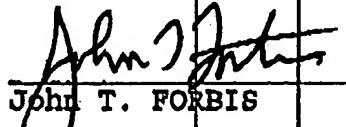
Please reference the below provided attorney docket number in all communications:

T4890.B.CON

Wherefore, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at York, Ne, this  
(city) (State)  
11 day of March, 2002.

INVENTOR:

  
John T. FORBIS

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